

DECLARATION

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

HEAT EXCHANGER AND PLATE USED IN A HEAT EXCHANGER

(Attorney Docket No. 016906-0464)

the specification of which (check one)

 is attached hereto.

 X was filed on 07/29/2004 as United States Application Number or PCT International Application Number PCT/EP2004/008494 and was amended on (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with

which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number | Country | Foreign Filing Date | Priority Claimed? | Certified Copy Attached? |
|----------------------------------|-----------------------------|---------------------|-------------------|--------------------------|
| 103 36 030.1 | Federal Republic of Germany | 08/01/2003 | Yes | |
| | | | | |
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I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| U.S. Provisional Application Number | Filing Date |
|-------------------------------------|-------------|
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I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | PCT Parent Application Number | Parent Filing Date | Parent Patent Number |
|--------------------------------|-------------------------------|--------------------|----------------------|
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I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|------------------------|---|
| Name of first inventor | Jens RICHTER |
| Residence | Großbottwar, Germany |
| Citizenship | Federal Republic of Germany |
| Post Office Address | Benzenmühle 1 71723 Großbottwar Germany |
| Inventor's signature | <i>Jens Richter</i> |
| Date | 24.03.06 |

STATEMENT UNDER 37 CFR 3.73(b)

| | | | |
|-------------------------|---|---|------------|
| Applicant/Patent Owner: | Jen RICHTER | | |
| Application No.: | 10/566,647 | Filed: | 02/01/2006 |
| Patent No.: | | Issue Date: | |
| Docket Number: | 016906-0464 | | |
| Entitled: | HEAT EXCHANGER AND PLATE USED IN A HEAT EXCHANGER | | |
| BEHR GmbH & CO. KG | | | |
| (Name of Assignee) | | (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.) | |

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest
The extent (by percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame _____ or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel ___, Frame ___, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel ___, Frame ___, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel ___, Frame ___, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE:] A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

August 17, 2006

Date

Richard L. Schwaab

Printed or Typed Name

(202) 672-5414

Telephone Number

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

COPY

U.S. Rights--Sole or Joint -
International Application
Designating the U.S.

International Application No. : PCT/EP2004/008494

Attorney Docket No. : 016906-0464

and/or further identified as: U.S. Serial No. : _____

ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

name and *BEHR GmbH & CO. KG*
address of *Mauserstrasse 3, D-70469 Stuttgart*
assignee *Federal Republic of Germany*

(hereinafter ASSIGNEE) all right, title and interest for the United States, its territories and possessions in and to this invention relating to

title of invention

HEAT EXCHANGER AND PLATE USED IN A HEAT EXCHANGER

as set forth in this International Application designating the United States and/or this United States Patent Application as a National Stage application or otherwise claiming the benefit of the International Application

Check at ☐ executed concurrently herewith
least one ☐ executed on _____
☐ U.S. Serial No. _____ Filed _____
☒ International Application No. PCT/EP2004/008494 filed July 29, 2004

in and to said International Application designating the United States and/or United States Patent Application, including any and all divisions or continuations thereof, and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said ASSIGNEE, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

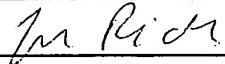
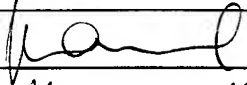
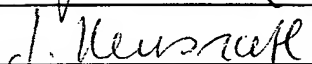
Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said ASSIGNEE, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he or she has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he or she has not executed and will not execute any document or instrument in conflict herewith;

International Application No. : PCT/EP2004/008494
Attorney Docket No.: 016906-0464

Each of the undersigned further covenants and agrees he or she will communicate to said ASSIGNEE, its successors, legal representatives or assigns all information known to him or her relating to said invention or patent application and that he or she will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said ASSIGNEE, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon, including reissues or extensions, in said ASSIGNEE, its successors, or assigns or to assist said ASSIGNEE, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of **FOLEY & LARDNER LLP** the power to insert in this Assignment any further information, such as an application number, which may be necessary or desirable to further identify the application in compliance with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

| <i>NAMES AND SIGNATURES OF INVENTORS</i> | | |
|---|---|------------------|
| Name: Jens RICHTER | Signature:  | Date: 24.03.06 |
| Name: | Signature: | Date: |
| Name: | Signature: | Date: |
| Name: | Signature: | Date: |
| <i>NAMES AND SIGNATURES OF WITNESSES</i> | | |
| Name: Andreas GRAUEL | Signature:  | Date: 2006/04/03 |
| Name: Gisela REUSRATH | Signature:  | Date: 2006/04/03 |

Note: *Prima facie* evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 22428

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

| Name | Registration Number |
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| Name | Registration Number |
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as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: 22428

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Fax

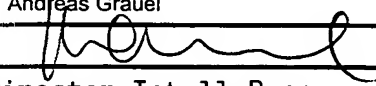
Assignee Name and Address:

BEHR GmbH & CO., KG
Mauserstrasse 3
D-70469 Stuttgart, Federal Republic of Germany

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

| | | | |
|--------------|---|-----------|-------------------|
| Company Name | BEHR GmbH & CO., KG | | |
| Name | Andreas Grauel | | |
| Signature |  | Date | August 08, 2005 |
| Title | Director Intell.Prop. | Telephone | 0049-711-896-2891 |

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.